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Paper 87

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FEB 23 2005

Filed:  
February 23, 2005

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ISH K. KHANNA,  
RICHARD M. WEIER, and YI YU

Junior Party  
(Patent 5,935,990)

v.

TOMIO KIMURA,  
YASUO NOGUCHI, AKIRA NAKAO, KEISUKE SUZUKI,  
SHIGERU USHIYAMA, AKIHIRO KAWARA,  
and MASAACKI MIYAMOTO

Senior Party  
(Application 09/678,218).

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Patent Interference No. 105,103

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**Judgment – Bd.R. 127**

Before McKELVEY, *Senior Administrative Patent Judge*, and MOORE and NAGUMO, *Administrative Patent Judges*.<sup>1</sup>

MOORE, *Administrative Patent Judge*.

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<sup>1</sup> As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, subsequent papers in this case originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

Khanna has filed Paper 86, entitled KHANNA ABANDONMENT OF CONTEST. Under 37 CFR §41.127(b)(4), such a filing is considered a request for adverse judgment.

Upon consideration of the papers filed in this interference, and Paper 86, it is hereby:

**ORDERED** that judgment on priority as to Count 1 (Paper 1, page 5), the only count in the interference, is awarded against junior party ISH K. KHANNA, RICHARD M. WEIER, and YI YU.

**FURTHER ORDERED** that junior party ISH K. KHANNA, RICHARD M. WEIER, and YI YU is not entitled to a patent containing claims 1-4, 6-13, 15-22, and 24-31 (corresponding to Count 1) of Patent 5,935,990.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/678,218 and patent 5,935,990.

**FURTHER ORDERED** that if there is a settlement agreement, attention of the parties shall be directed to 35 U.S.C. § 135(c), 37 CFR § 1.661, and 37 CFR §1.666.

February 23, 2005  
Alexandria, VA

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